

STATE OF ARKANSAS
EXECUTIVE DEPARTMENT
PROCLAMATION

EO 00-12

TO ALL TO WHOM THESE PRESENTS COME — GREETINGS:

AN EXECUTIVE ORDER TO PREVENT AND COMBAT COMPUTER SOFTWARE PIRACY.

WHEREAS, the State of Arkansas recognizes the critical importance of information technology to its government, industry and local economy; and

WHEREAS, high technology has made enormous contributions to the state's economic growth and competitiveness; and

WHEREAS, the high technology industry is an important sector of Arkansas' economy, with over 1,000 high technology companies employing 10,300 Arkansas residents and generating \$510 million in annual wages; and

WHEREAS, high technology jobs are high-paying, with the average Arkansas high technology worker earning \$49,514.46 per year, creating high-wage, high-skill, dynamic and adaptable jobs for Arkansas residents; and

WHEREAS, the positive economic impact of high technology in Arkansas does not end with workers in well-paid, high technology jobs, but extends to the businesses that provide goods and services to high technology companies, resulting in an overall impact of 37,900 jobs and more than \$1.2 billion in wages for Arkansas residents; and

WHEREAS, software piracy represents one of the greatest threats to continued growth of Arkansas' high technology industry, with software piracy costing the Arkansas economy over 900 jobs and \$27.2 million in wages annually; and

WHEREAS, software piracy robs a total of \$6.2 million annually from the State of Arkansas in tax revenues; and

WHEREAS, software piracy can have a serious chilling effect on creativity, innovation and profitability in the growing high technology sector of Arkansas' economy; and

WHEREAS, counterfeit and other forms of pirated software expose consumers — including state agencies — to the risk of computer viruses, reduced technical support and other problems that prevent the efficient operation of information systems; and

WHEREAS, in recognition of the destructive impact of software piracy on the Arkansas economy and consumers, this administration is committed to developing a comprehensive, statewide response to combat the use of unlicensed software in all state agencies and promote sound management of state information systems;

NOW, THEREFORE, I, Mike Huckabee, Governor of the State of Arkansas, do hereby order the following:

Section 1. **Policy.** It shall be the policy of the State of Arkansas that each State agency shall work diligently to prevent and combat computer software piracy in order to give effect to copyrights associated with computer software by observing the relevant provisions of federal law, including the U.S. Copyright Act, and applicable licensing restrictions.

(a) Each agency shall adopt procedures to ensure that the agency does not acquire, reproduce, distribute, or transmit computer software in violation of U.S. copyright and applicable licensing restrictions.

(b) Each agency shall establish procedures to ensure that the agency has present on its computers and uses only computer software not in violation of U.S. copyright laws and applicable licensing restrictions. These procedures shall include:

- a) preparing agency inventories of the software present on its computers
- b) determining what computer software the agency has authorization to use; and
- c) developing and maintaining adequate record-keeping systems.

(c) Each agency shall require its contractors and recipients of State financial assistance, including grants and loan guarantee assistance, to certify that they have appropriate systems and controls in place to ensure that State funds are not used to acquire, operate or maintain computer software in violation of U.S. copyright laws or applicable licensing restrictions. If an agency finds that contractors, grantees or other recipients of State financial assistance are using State funds to acquire, operate or maintain computer software in violation of U.S. copyright laws or applicable licensing restrictions, the agency shall take such corrective measures as the agency head deems appropriate and consistent with the requirements of law.

(d) The Office of Information Technology shall develop and disseminate guidelines for agencies to follow as they develop policies and procedures to effectively manage the inventory of software and associated licensing agreements. The Office of Information Technology shall also develop appropriate language for inclusion in State contracts to prohibit the use of State funds for the acquisition, operation or maintenance of computer software in violation of U.S. copyright laws or applicable licensing restrictions. Such language shall be required in all state contracts involving the purchase or utilization of computer software in the performance of such contracts.

(e) State agencies shall ensure that budget proposals relating to computer data processing needs include adequate resources for the purpose of acquiring adequate computer software and licenses to meet those needs.

(f) State agencies shall cooperate fully in implementing this order and shall share information as appropriate that may be useful in combating the use of computer software in violation of applicable U.S. copyright laws or applicable licensing restrictions.

Section 2. Responsibilities of Agency Heads. In connection with the acquisition and use of computer software, the head of each State agency shall:

(a) ensure agency compliance with U.S. copyright laws protecting computer software and with provisions of this order to ensure that only authorized computer software is acquired for and used on the agency's computers;

(b) utilize services of the Office of Information Technology as a point of contact to answer questions related to U.S. copyright laws or applicable licensing restrictions to assist agency employees in preventing inadvertent violation;

(c) educate appropriate agency personnel regarding copyrights protecting computer software and the policies and procedures adopted by the agency to honor them; and

(d) ensure that the policies, and practices of the agency related to copyrights protecting computer software are adequate and fully implement the policies set forth in this order.

Section 3. Office of Information Technology. The Office of Information Technology ("OIT") shall serve as the single source of technical information related applicable licensing restrictions and provisions as set forth in either existing state policy or this proclamation, as related to the acquisition and use of computer software, and monitoring and combating the use of unauthorized computer software. OIT shall advise agencies on the proper and legal usage of computer software, but shall in no way impede the legal counsel or oversight of the Attorney General's Office.

Section 4. Director, Department of Information Systems. The Director, Department of Information Systems ("Director") shall utilize appropriate oversight mechanisms to foster agency compliance with the policies set forth in this order.

Section 5. Definition. "State agency" or "agency" shall include all agencies, boards, and commissions under my jurisdiction.

Section 6. **Judicial Review.** This order is intended only to improve the internal management of the executive branch. It does not create any right or benefit, substantive or procedural, at law or in equity, that may be asserted against the State of Arkansas, its agencies or instrumentalities, its officers or employees, or any other person.

Section 7. **Severability.** The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

Section 8. **Effective Date.** This order is effective immediately and shall remain in effect until rescinded by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock on this 31st day of October in the year of our Lord, two thousand.



GOVERNOR MIKE HUCKABEE

SECRETARY OF STATE SHARON PRIEST